



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

COPY MAILED

**Striker Striker & Stenby
103 East Neck Road
Huntington NY 11743**

MAY 20 2008

OFFICE OF PETITIONS

In re Application of :
Helmut Kreuzer et al. :
Application No. 09/937,167 : ON PETITION
Filed: January 8, 2002 :
Attorney Docket No. 1764 :

This is a decision on the second renewed petition under 37 CFR 1.137(b), filed January 21, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed August 14, 2006 which set a shortened statutory period for reply of three (3) months. Accordingly, by operation of law, the above-identified application became abandoned on November 15, 2006.

The petition decision mailed January 11, 2008 dismissed the renewed petition filed August 1, 2007 for failure to provide the required reply under 37 CFR 1.137(b)(1) in that no signed amendment was included with the renewed petition.

The instant renewed petition includes a proper amendment.

The renewed petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an amendment; (2) the petition fee of \$1,500; and (3) the required statement of unintentional delay have been received. Accordingly, the amendment is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the Carl Friedman at (571) 272-6842.

The application is being referred to Technology Center Art Unit 3729 for appropriate action on the merits.

Christopher Bottino

for David Bucci
Petitions Examiner
Office of Petitions